APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,361	05/15/2001	James E. Fox	RSW920010071US1	8761

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EXAMINER
LEWIS, ADAM M

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cov r sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 May 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by

Selker ("Selker", US# 5,565,888).

As per independent claim 1, Selker teaches a method of displaying a graphical

user interface (GUI) widget (Selker, Fig. 1-5), comprising:

determining the distance D between a displayed GUI widget and a displayed

selection pointer (Selker, col. 5, lines 31-38); and

scaling the visual size of the displayed GUI widget based on the distance D

(Selker, col. 5, lines 43-51).

Independent claim 5 is similar in scope to claim 1, and is therefore rejected under

similar rationale.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker in view of Rosenberg et al. ("Rosenberg", US# 6,219,032).

As per claim 2, which is dependent on claim 1, Selker teaches scaling the visual size of the displayed GUI widget based on the distance D. Selker fails to teach the method of claim 1, further comprising:

defining a mass value m associated with the displayed GUI widget ; and

defining a mass value M associated with the displayed selection pointer.

Rosenberg teaches a force feedback controlled cursor. The user can control the cursor, and other on screen objects disclosed by several settings and variables. One of those settings includes the mass of the cursor (Rosenberg, col. 35, lines 15-25). Rosenberg also teaches the ability to set the gravitational control of on screen objects (Rosenberg, col. 40, lines 60-68).

It would have been obvious to use the mass controlled system of Rosenberg in the scaling widget system of Selker because it would provide a more consistent and definite way to control the size and scalability of an on screen widget.

Claims 6 and 9 are similar in scope to claim 2, and are therefore rejected under similar rationale.

5.   Claims 3-4, 7-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker and Rosenberg as applied to claims 2, 6, and 9 above, and further in view of admitted prior art.

As per claim 3, which is dependent on claim 2, the invention of Selker and Rosenberg fails to teach the method of claim 2, further comprising:

calculating $B=\sqrt{m/M}$; and

scaling the visual size of the displayed GUI widget as a function of B.

However the admitted prior art teaches the well known gravitational equation of

$f=m/D^2$ (Page 8, lines 18-22). The formula $B=\sqrt{m/M}$ is easily derived from $f=m/D^2$ by

simple algebra and substitution.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to use the equation $B=\sqrt{m/M}$ in the invention of Selker and Rosenberg to

scale the widget because it would provide an accurate standard of scaling that would

provide a consistent visual effect.

Dependent claims 7 and 10 are similar to claim 3, and are therefore rejected

under similar rationale.

As per claim 4, which is dependent on claim 2, the invention of Selker and

Rosenberg fails to teach the method of claim 2, further comprising:

calculating a force value $F=m*M/D^2$; and

scaling the visual size of the displayed GUI widget as a function of the force

value F.

However the admitted prior art teaches the well known gravitational equation of

$f=m/D^2$ (Page 8, lines 18-22). The formula F=m*M/D2 is easily derived from $f=m/D^2$ by

simple algebra and substitution.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to use the equation $F=m*M/D^2$ in the invention of Selker and Rosenberg to

scale the widget because it would provide an accurate standard of scaling that would provide a consistent visual effect.

Dependent claims 8 and 11 are similar to claim 4, and are therefore rejected under similar rationale.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baecker et al. (US# 5,479,602) teaches content-based depictions of computer icons.

Grossman et al. (US# 5,564,004) teaches a method and system for facilitating the selection of icons.

Jaaskelainen, Jr. (US# 5,710,574) teaches a method and system for positioning a graphical pointer within a widget of a data processing system graphical user interface.

Stein et al. (US# 5,748,927) teaches a graphical user interface with icons having expandable descriptors.

Langer (*Mac OS X: Visual Quickstart Guide,* Langer, ISBN 0-201-70900-7) teaches a dock system that contains icons that increase in size as you get close to them.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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STEVEN SAX
PRIMARY EXAMINER